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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,156	06/08/2001	Gunter A. Gallas	034806-5016	6713
7590	12/26/2003		EXAMINER	
JOSHUA S. BROITMAN OSTRAGER CHONG & FLAHERTY LLP 825 THIRD AVENUE NEW YORK, NY 10022-7519			BENENSON, BORIS	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 12/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/876,156	LEOPOLD ET AL.
	Examiner Boris Benenson	Art Unit 2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3, 5-11 and 14-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-3, 5-7, 17-20 and 36-40 is/are allowed.
- 6) Claim(s) 8-11, 14, 16, 21-23 and 29-35 is/are rejected.
- 7) Claim(s) 15 and 24-26 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06/08/01 and 11/03/03 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>11/03/2003</u> . | 6) <input type="checkbox"/> Other: _____ .                                   |

**DETAILED ACTION**

1. Amendment received on 11/03/2003 is entered. Claims 4, 12 and 13 are cancelled. Claims 1, 8, 9, 15 and 16 are amended. New Claims (17-40) are entered. Claims 1-3, 5-11 and 14-40 are pending in the application.

2. Replacement sheets (Fig. 21A and 21B) are approved. Objection to the drawings is withdrawn.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 8-11, 14, 16, 21-23 and 27-35 is rejected under 35 U.S.C. 102(e) as being anticipated by DiSalvo (6,040,967).

DiSalvo disclosed a reset lockout for circuit interrupting device. The device includes a housing (Fig.1, Pos. 12), an electromechanical relay comprising a coil assembly (Fig.3, Pos 50), a group of contacts (Fig.8, Pos.30 and 74) that connect or disconnect a line to a load (read on a first circuit), a plunger

(Fig.2, Pos.52) and a banger (54) with banger dogs 56 and 58 which are used to set and reset the connection between input and output conductors (72 and 74). The device includes also a means for detecting a ground fault conditions. The ground fault detecting means include a test button (Fig.8, Pos 26), reset contacts (62, 63), resistors (R4, R4') and control circuitry to control the coil (50). A reset switch (30) when activated provides a simulated ground fault occurrence through resistance R4' connecting contacts (62 and 63). The relay is changing its position from open to close only in response to detection of the simulated ground fault that reads on, as the circuitry is operational.

**Allowable Subject Matter**

5. Claims 1-3, 5-7, 17-20 and 36-40 are allowed.
6. Claims 15 and 24-26 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**The following is an Examiner's statement of reasons for the indication of allowable subject matter:**

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7. Independent Claims 1 and 36 are allowable because none of the prior art of record disclose a ground fault circuit interrupter that comprises a bistable latching relay in combination with the other claim limitations.

8. Claims 2,3,5-7 and 17-20 are dependent on allowable Claim 1 and therefore are allowable.

9. Claims 37-40 are dependent on allowable Claim 36 and therefore are allowable.

10. Claims 15 and 25 would be allowable because none of the prior art of record disclose a ground fault circuit interrupter that upon detection of the simulated ground fault (detection circuit is operational) change its state to open when previously first circuit was in close state in combination with the other claim limitations.

11. Claim 24 would be allowable because none of the prior art of record disclose a ground fault circuit interrupter that comprises a bistable latching relay in combination with the other claim limitations.

12. Claim 26 is dependent on Claim 25 and would be allowable if Claim 25 is allowed.

#### **FINALITY OF THE ACTION**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS**

**ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Contact information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Benenson whose telephone number is (703) 305-6917. After 1/28/2004 telephone number will be changed to (571) 272-2048. The examiner can normally be reached on M-F (8:20-6:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703) 308-3119. After 1/28/2004 telephone number will be changed to (571) 272-2058. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Boris Benenson  
Examiner  
Art Unit 2836

B.B.

*Stephen W. Jackson*  
12-23-03

STEPHEN W. JACKSON  
PRIMARY EXAMINER